

IN RE: PETITION FOR SPECIAL HEARING  
AND ZONING VARIANCE - 87-240-SPHA  
Frederick Road, 1250.0' E of  
the 0-1 of Bishops Lane  
(384 Frederick Rd. & 6d  
1 Bishop Lane)  
1st Election District  
1st Constitutional District

Thomas McGee - Petitioner

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 87-240-SPHA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing in which the Petitioner requests approval of an amendment to the previously approved site plan in Case No. 87-240-SPHA to permit additional parking for 583 Frederick Road to be located on 3 Bishops Lane, and to amend Restriction No. 2 of the Order issued in Case 87-240-SPHA to permit business parking for an office building on R.O. zoned property to be located on R.O. zoned property, in accordance with Petitioner's Exhibit 2. Petitioner also requests, pursuant to a Petition for Zoning Variance, relief from Section 409.8.A.2 and 6 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a crusher run surface in lieu of the required durable and dustless surface permanently striped, and from Section 409.4C of the B.C.Z.R. to permit an aisle width of 20 feet in lieu of the required 22 feet, as more particularly described on Petitioner's Exhibit 2.

The Petitioner, Thomas B. McGee, appeared, testified, and was represented by Francis X. Borewing, Jr., Esquire. Also appearing on behalf of the Petition was Paul Lee, Registered Professional Engineer, and Nan Lawrence from Catonsville 2000, Inc. Appearing as Protestants in the matter were Clarence Hoerl, Paul Reincke, and Ghulam Sarwar, adjoining

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By hbj

property owners. Mr. Hoerl and Mr. Reincke were represented by Lawrence J. Hayward, Esquire.

It should be noted that the Petitioner originally requested an additional variance from Section 409.4 to permit vehicle travelways with direct access to off-street parking spaces in lieu of no direct access to off-street parking spaces. At the hearing, the Petitioner amended his request and asked that I dismiss that variance. I will so order.

Testimony indicated that the subject property consists of two parcels, known as 583 Frederick Road and 3 Bishops Lane, which contain a total area of 0.0867 acres, more or less, split zoned B.L.-C.C.C., R-O, and O-1. Said property is L-shaped and is improved with a four-story commercial building, known as the Toll House, at 583 Frederick Road, and a one-story frame residence at 3 Bishops Lane, as more particularly described on Petitioner's Exhibits 2 and 3. The Petitioner is desirous of converting the residence at 3 Bishops Lane, zoned R.O., to a Class A office building. The Petitioner's property at this location is important in that it provides additional parking which could be used to support the Toll House building on Frederick Road in addition to the proposed office building for 3 Bishops Lane. Testimony indicated that there is currently a shortage of parking spaces for 583 Frederick Road and that the additional parking that will be provided on 3 Bishops Lane will help to resolve that problem.

The Petitioner prepared two site plans illustrating the proposed improvements which were entered into evidence as Petitioner's Exhibits 2 and 3. Petitioner's Exhibit 2, which was prepared by William Rafitis of Rafitis & Associates, Inc. The Rafitis site plan was subsequently revised by Paul Lee of Paul Lee Engineering, Inc. After meeting with concerned residents of the surrounding neighborhood, Mr. Lee made various changes to

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that practical difficulty or unreasonable hardship would result if the requested relief were denied. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare, provided there is compliance with the restrictions imposed hereinafter.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances are granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variances are not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel.

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In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the granting of this relief, restrictions will be imposed upon the Petitioner in order to address the concerns raised by the Protestants. The Petitioner shall be ordered to install wheel stops on each and every parking space on the entire site, with the only exception being the 10 parking spaces situated in the center of the parking lot of the Toll House commercial building. Wheel stops on those 10 spaces would not be practical due to vehicles parking in those spaces from both directions.

The Petitioner shall also provide screening along the property line adjoining all residential properties. Further, the Petitioner shall install a 6-foot high wooden stockade fence along the common boundary line shared between 3 Bishops Lane and 1 Bishops Lane, the finished side of which shall face 1 Bishops Lane. Said fencing shall also be installed along the rear property line of 1 Bishops Lane to screen that property from the uses on 583 Frederick Road.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 20th day of May, 1992 that the Petition for Special Hearing to approve an amendment to the previously approved site plan in Case No. 87-240-SPHA to permit additional parking for 583 Frederick Road to be located on 3 Bishops Lane, and to amend Restriction No. 2 of the

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the old site plan to adequately address their concerns. His site plan was accepted into evidence as Petitioner's Exhibit 3 and is the controlling site plan for the property.

The significant changes proposed by Mr. Lee were that there would be no access to Bishops Lane from the parking provided on 3 Bishops Lane. It was stated that the additional traffic that would be created if access were permitted, would be hazardous and would cause traffic problems. In lieu of such access, Mr. Lee proposes a landscape buffer along the front property line of 3 Bishops Lane. Mr. Lee also proposes installing a 42" high chain link fence along that landscape buffer to further prevent any access onto Bishops Lane. Such changes are more particularly described on Petitioner's Exhibit 3.

There was also testimony that there is a water runoff problem associated with the subject property at 3 Bishops Lane. To address this problem, Mr. Lee recommended a crusher run surface as opposed to a macadam surface. Mr. Lee testified that crusher run would greatly reduce water runoff normally associated with a macadam surface. In view of this fact, the variance requested as to a crusher run surface will be granted; however, due to the difficulty in identifying parking spaces on crusher run surfaces, the Petitioner shall be required to install concrete wheel stops at each and every parking space to adequately denote each space. It shall also be incumbent upon the Petitioner to properly maintain this surface to insure that there are no bare spots or grass or dirt visible through the crusher run. The Petitioner shall also provide treatment to insure that no dust or particulate matter that may be generated from vehicles driving upon this surface becomes airborne. The Petitioner shall be fully responsible for the upkeep and maintenance of the crusher run surface and its

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Order issued in Case 87-240-SPHA to permit business parking for an office building on B.L. zoned property to be located on R.O. zoned property, in accordance with Petitioner's Exhibit 3, be and is hereby GRANTED, subject to the restrictions set forth below; and,

IT IS FURTHER ORDERED that the Petition for Zoning Variance requesting relief from Section 409.8.A.2 and 6 to permit a crusher run surface in lieu of the required durable and dustless surface permanently striped, and from Section 409.4C to permit an aisle width of 20 feet in lieu of the required 22 feet, in accordance with Petitioner's Exhibit 3, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) The Petitioner shall install concrete wheel stops on each and every parking space on the entire site. Notwithstanding this, the Petitioner does not have to provide concrete wheel stops on the 10 parking spaces situated in the center of the parking lot of the Toll House commercial building due to the fact that patrons will be parking in those spaces from either direction.
- 3) Petitioner shall install a 6-foot high wooden stockade fence along the entire southern boundary line of the subject property adjoining the Reincke property. Petitioner shall also install a 6-foot high wooden stockade fence along the common boundary line of the subject property adjoining Mr. Sarwar's property, commencing from the rear of the dwelling on 3 Bishops Lane and encompassing the entire common boundary line of the subject property with 1 Bishops Lane, including the rear property line over to Mr. Sarwar's garage. Said fence shall be installed in such a manner that the finished side faces Mr. Sarwar's property. All fencing installed on the subject property shall be maintained and kept in good repair by the Petitioner.

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condition shall be periodically inspected by a representative of the Zoning Enforcement Division of the Zoning Administration and Development Management Office as a condition of this relief being granted. Mr. Lee further testified that all of the variances requested by the Petitioner satisfy the requirements of Section 407.1 of the B.C.Z.R.

Two neighbors appeared at the hearing and were represented by Lawrence J. Hayward, Esquire. Mr. Hoerl and Mr. Reincke, by and through their attorney, were able to work out the concerns they had with the Petitioner's proposed use of the subject property at 3 Bishops Lane. Their understanding was reduced to writing and was submitted to this Deputy Zoning Commissioner by Mr. Hayward by letter dated May 8, 1992. The agreement reached between both parties shall be incorporated into this Order and will be more specifically addressed in the restrictions imposed herein-after. Both parties offered their support of the Petitioner's request once an agreement had been reached.

Also appearing and testifying in opposition to the Petitioner's request was Ghulam Sarwar, who resides on the immediately adjoining property known as 1 Bishops Lane. Mr. Sarwar testified that his property lacks adequate screening from 3 Bishops Lane and that further incorporating that property into the commercial use on Frederick Road will have a deleterious effect on the residential character of the surrounding neighborhood. It should be noted that Mr. Sarwar's property is also zoned R.O.

After due consideration of the testimony and evidence presented, it appears that the relief requested in the Petition for Special Hearing should be granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel and

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4) Parking on the premises of 3 Bishops Lane shall be limited to employees of 583 Frederick Road during business hours, only, between 6:30 AM to 8:00 PM.

5) The Petitioner shall be responsible for the upkeep and maintenance of the proposed crusher run surface on 3 Bishops Lane. Petitioner shall insure that there are no grassy or bare spots visible through the crusher run surface. Petitioner shall also be responsible to treat and maintain the surface so that no dust or particulate matter is created as a result of vehicles travelling over this crusher run surface.

6) The property located at 3 Bishops Lane shall be kept in a clean and orderly condition, free of all debris. The storage of any automobiles, motorcycles, or trucks on the premises shall be prohibited.

7) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order in the event it becomes necessary to do so as a result of a complaint.

8) Prior to the issuance of any permits, Petitioner shall submit a landscape plan incorporating the relief granted herein for approval by the Deputy Director of Planning and the Landscape Planner for Baltimore County. A copy of the approved plan shall be submitted to this Office for inclusion in the case file prior to the issuance of any permits.

9) The required planting area shall be maintained by Petitioner in accordance with the approved landscape plan. All landscaped areas shall be kept free of weeds, mulch replenished, and any dead plants replaced in accordance with the approved landscape plan.

10) Prior to the issuance of any permits, Petitioner shall submit a revised site plan incorporating the relief granted herein, including the location of all wheel stops, fencing and landscaping required by the restrictions set forth above.

11) When applying for any permits, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the Petition for Zoning Variance requesting relief from Section 409.4 of the B.C.Z.R. to permit vehicle travelways with direct access to off-street parking spaces in lieu of no

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By hbj

Direct access to off street parking spaces, in accordance with Petition-  
er's Exhibit 2, be and is hereby DISMISSED without prejudice.

TMK:bjs

TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

Baltimore County Government  
Office of Zoning Administration  
Office of Planning & Zoning

Suite 113, Courthouse  
400 Washington Avenue  
Towson, MD 21204

May 30, 1992

Francis X. Borgerding, Jr., Esquire  
409 Washington Avenue, Suite 600  
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE  
S/S Frederick Road, 125.52' E of the c/l of Bishops Lane  
(583 Frederick Road and 3 Bishops Lane)  
1st Election District - 1st Councilmanic District  
Thomas B. McGee - Petitioner  
Case No. 92-338-SPHA

Dear Mr. Borgerding:

Enclosed please find a copy of the decision rendered in the  
above-captioned matter. The Petitions for Special Hearing and Zoning  
Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavor-  
able, any party may file an appeal to the County Board of Appeals within  
thirty (30) days of the date of this Order. For further information on  
filing an appeal, please contact Ms. Charlotte Radcliffe at 887-1391.

Very truly yours,

*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Lawrence J. Hayward, Esquire  
1 W. Pennsylvania Avenue, Suite 410, Towson, Md. 21204

Mr. Ghulam Sarwar  
1 Bishops Lane, Baltimore, Md. 21228

Mr. James Mohler, Catonsville 2080, Inc.  
2 W. Rolling Crossroads, Suite 203, Catonsville, Md. 21228

People's Counsel

File

## Petition for Special Hearing

to the Zoning Commissioner of Baltimore County 92-338-SPHA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is  
described in the description and plat attached hereto and made a part hereof, hereby petition for a  
Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whe-  
ther or not the Zoning Commissioner and or Deputy Zoning Commissioner should approve .....  
An amended site plan in zoning case 87-240-SPHA to allow additional parking at 3  
Bishops Lane and to amend Order Restriction #2 as shown on Revised Hearing plan and  
to permit Business Parking for the B-6 zone Office may be permitted on the B-6 Zoned  
Class A Office Building Lot.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc. upon fil-  
ing of this Petition, and further agree to and are to be bound by the zoning regulations and restric-  
tions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm,  
under the penalties of perjury, that I/we  
are the legal owner(s) of the property  
which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

409 Washington Avenue, Ste. 600

Address

Towson, Maryland 21204

City and State

Attorney's Telephone No. (410) 296-6820

Legal Owner(s):

Thomas B. McGee

(Type or Print Name)

Signature

(Type or Print Name)

Signature

c/o Mercantile Building

409 Washington Avenue, Ste. 600

Address

Towson, Maryland 21204

City and State

Name, address and phone number of legal owner, con-  
tract purchaser or representative to be contacted

Name

S. Eric DiNenna

Address

409 Washington Ave., Ste. 600

Address

Towson, Maryland 21204

City and State

Attorney's Telephone No. (410) 296-6820

ORDER RECEIVED FOR FILING

Date 5/30/92

By [Signature]



ESTIMATED LENGTH OF HEARING - 1/2HR. - 1HR.

AVAILABLE FOR HEARING

ALL MON./TUES./WED. - NEXT TWO MONTHS

OTHER

REVIEWED BY: [Signature] DATE 11/22/91

## Petition for Variance

to the Zoning Commissioner of Baltimore County

The undersigned, legal owner(s) of the property situate in Baltimore County and which is  
described in the description and plat attached hereto and made a part hereof, hereby petition for a  
Variance from Section 403.4 to permit vehicle travelways with direct access to  
offstreet parking spaces in lieu of no direct access to offstreet parking spaces;  
From Section 409.4 to permit crusher run surface not permanently stripped;  
in lieu of the required durable dustless surface permanently stripped;  
From Section 409.4 to allow 20' foot isle in lieu of required 22 foot isle.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the  
following reasons: (indicate hardship or practical difficulty)

1) Need for parking for commercial uses

2) Shape & configuration of property

3) Such other & further reasons to be presented at hearing

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this  
petition, and further agree to and are to be bound by the zoning regulations and restrictions of  
Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm,  
under the penalties of perjury, that I/we  
are the legal owner(s) of the property  
which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

409 Washington Avenue, Ste. 600

Address

Towson, Maryland 21204

City and State

Name, address and phone number of legal owner, con-  
tract purchaser or representative to be contacted

Name

S. Eric DiNenna

Address

409 Washington Ave., Ste. 600

Address

Towson, Maryland 21204

City and State

Attorney's Telephone No. (410) 296-6820

ORDER

Date 5/30/92

By [Signature]

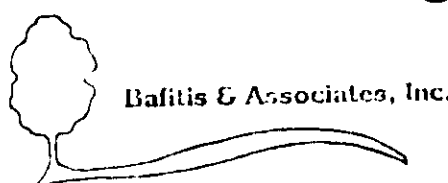
ESTIMATED LENGTH OF HEARING - 1/2HR. - 1HR.

AVAILABLE FOR HEARING

ALL MON./TUES./WED. - NEXT TWO MONTHS

OTHER

REVIEWED BY: [Signature] DATE 11/22/91



Bafitis & Associates, Inc.

ZONING DESCRIPTION  
583 Fredrick Road & 3 Bishops Lane

Beginning at a point on the south side of Fredrick Road (a 66'  
right-of-way) said point being N. 74° 00' E, 125.52' from the  
centerline of Bishops Lane, Thence N. 74° 00' E, 102.30 feet,  
Thence S 16° 00' E, 231.00 feet, Thence S. 74° 00' W, 102.30 feet,  
Thence S. 74° 53' W, 110.50 feet, Thence N. 16° 00' 30" W, 55.49 feet,  
Thence N 73° 27' E, 110.50 feet, Thence N. 16° 00' W 172.75 feet to  
the PLACE OF BEGINNING and containing 0.6867 acres as recorded in  
Liber 6724, Folio 101 and Liber 7334, Folio 197, also known as  
583 Fredrick Road and 3 Bishops Lane and located in the 1st  
Election District of Baltimore County, Maryland.



Md. Reg. No. 11641

William N. Bafitis, P.E.  
President

### CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District 1st Date of Posting 5/29/92

Posted for: [Signature]

Petitioner: [Signature]

Location of property: 583 Fredrick Road and 3 Bishops Lane

Location of Sign: 583 Fredrick Road and 3 Bishops Lane

Remarks: [Signature]

Posted by: [Signature] Date of return: 5/29/92

Number of Signs: 2

### CERTIFICATE OF PUBLICATION

TOWSON, MD. 5/16/92

THIS IS TO CERTIFY, that the annexed advertisement was  
published in THE JEFFERSONIAN, a weekly newspaper published  
in Towson, Baltimore County, Md., once in each of 2 successive  
weeks, the first publication appearing on 5/16/92

THE JEFFERSONIAN,

*S. Zake Olson*  
Publisher

#### NOTICE OF HEARING

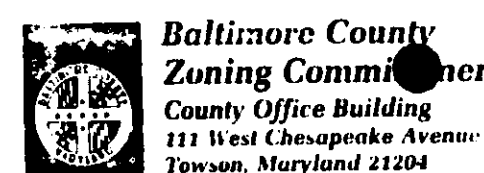
The Zoning Commissioner of  
Baltimore County, by authority  
of the Zoning Act and Regulations  
of Baltimore County, will hold a  
public hearing on the property  
located at 583 Fredrick Road,  
located at 111 W. Chesapeake Avenue,  
in the County Office Building,  
located at 111 W. Chesapeake Avenue  
in Towson, Maryland 21204  
as follows:

Case Number: 92-338-SPHA  
S/S Frederick Road, 125.52'  
from c/l of Bishops Lane  
and 3 Bishops Lane  
1st Election District  
1st Councilmanic District  
Petitioner(s):  
Thomas McGee  
Hearing Date: Friday,  
May 8, 1992 at 10:00 a.m.

Revised Hearing is requested  
site plan in zoning case  
87-240-SPHA to allow additional  
parking at 3 Bishops Lane and to  
amend Order Restriction #2 as  
shown on revised hearing plan  
and to permit Business Parking  
for the B-6 zone Office may be  
permitted on the B-6 Zoned Class  
A office building lot. Variance to  
permit vehicle travelways with  
direct access to offstreet parking  
spaces in lieu of no direct access  
to offstreet parking spaces; to  
permit crusher run surface not  
permanently stripped in lieu of the  
required durable dustless surface  
permanently stripped; and to al-  
low 20' foot isle in lieu of re-  
quired 22 foot isle.

Lawrence E. Boudreau,  
Zoning Commissioner  
NOTE: HEARINGS ARE PUBLIC  
CAPPED ACCESS  
SPECIAL ACCOMMODATIONS  
PLEASE CALL 887-3883

4/188 April 16



Date

Account: R 001-6150  
Number

PLEASE ADVISE THAT \$\_\_\_\_\_ IS DUE FOR ADVERTISING AND POSTING OF THE ABOVE CAPTIONED  
PROPERTY.  
THIS FEE MUST BE PAID. ALSO, THE ZONING SIGN & POST SET(S) MUST BE RETURNED ON THE DAY OF THE HEARING OR  
THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE  
HEARING.  
Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake  
Avenue, Room 113, Towson, Maryland 21204. It should have your case number noted thereon and be made  
payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or  
your Order, immediate attention to this matter is suggested.

Cashier Validation

06/01/2001 7:10 AM \$350.00  
06/03/2001 11:22 AM  
Please Make Checks Payable To: Baltimore County

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

DATE: \_\_\_\_\_

Thomas B. McGee  
c/o Francis X. Borgerding, Jr.  
409 Washington Avenue, Suite 600  
Towson, Maryland 21204

RE:  
CASE NUMBER: 92-338-SPHA  
S/S Frederick Road, 125.52' from c/l of Bishops Lane  
583 Frederick Road and 3 Bishops Lane  
1st Election District - 1st Councilmanic  
Petitioner(s): Thomas McGee

Dear Petitioner(s):

Please be advised that \$\_\_\_\_\_ is due for advertising and posting of the above captioned  
property.

THIS FEE MUST BE PAID. ALSO, THE ZONING SIGN & POST SET(S) MUST BE RETURNED ON THE DAY OF THE HEARING OR  
THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE  
HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake  
Avenue, Room 113, Towson, Maryland 21204. It should have your case number noted thereon and be made  
payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or  
your Order, immediate attention to this matter is suggested.

ARNOLD JARLOW  
DIRECTOR



MARCH 16, 1992

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 118, Baltimore County Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 92-338-SFPA  
S/S Frederick Road, 125.52' from C/L of Bishops Lane  
243 Frederick Road and 3 Bishop Lane  
1st Election District - 1st Councilmanic  
Petitioner(s): Thomas McGee  
HEARING: MONDAY, APRIL 13, 1992 at 9:00 a.m.

Special Hearing: An amended site plan in zoning case 92-338-SFPA to allow additional parking at 3 Bishops Lane and to amend order restriction #2 as shown on revised hearing plan and to permit business parking for the 80,000 sq. ft. office building on the 80,000 sq. ft. office building lot.  
Variance to permit vehicle travelways with direct access to offstreet parking spaces in lieu of no direct access to offstreet parking spaces; to permit crusher run surface not permanently striped in lieu of the required durable dustless surface permanently striped; and to allow 20 ft. side in lieu of required 22 ft. side.

*Lawrence E. Schulte*  
Lawrence E. Schulte

Zoning Commissioner of  
Baltimore County

cc: Thomas McGee  
Francis A. Borgerding, Jr.

S. Eric DiDonna, Esquire  
438 Washington Avenue, Suite 100  
Towson, MD 21204

RE: Item No. 237, Case No. 92-337-A  
Petitioner: Thomas B. McGee  
Petition for Special Hearing

Dear Mr. DiDonna:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with above referenced petition. The attached comments from each reviewing agency are not intended to assure that that all parties, i.e. Zoning Commissioner, attorney and the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

- 1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

Your petition has been received and accepted for filing this 10th day of November, 1991.

*Arnold Jablon*  
ARNOLD JABLON  
DIRECTOR

Received By:

*W. Carl Richards Jr.*  
CHAIRMAN  
ZONING PLANS ADVISORY COMMITTEE

Petitioner: Thomas B. McGee

Petitioner's Attorney: S. Eric DiDonna

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: January 21, 1992  
Zoning Administration and  
Development Management  
FROM: Gary L. Kerns, Chief  
Comprehensive and Community Planning  
Office of Planning and Zoning  
SUBJECT: McGee Property, Item No. 237

In reference to the Petitioner's request, the staff provides the following comments:

-The proposed development does not require a CRG or waiver.

This office is supportive of the subject request conditioned upon the following:

- 1) Commercial traffic generated by the Toll House commercial building should not be allowed direct access to Bishops Lane.
- 2) On-site or off-site landscaping shall be provided along the southern property line abutting the Reincke property.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

Report prepared by:

*Jeffrey Long*  
Jeffrey Long

GK/JL:rdn  
ITEM237/TXTRO2

BUREAU OF TRAFFIC ENGINEERING  
DEPARTMENT OF PUBLIC WORKS  
BALTIMORE COUNTY, MARYLAND

DATE: January 7, 1992

TO: Mr. Arnold Jablon, Director  
Office of Zoning Administration  
and Development Management

FROM: Robert C. Merrey, Jr.

SUBJECT: Zoning Variance Request

DATE: December 17, 1991

ITEM NUMBER: 92-337

- 1) Bishops Lane should be widened to an 8 ft. paved section from Frederick Road to the proposed site entrance.
- 2) The ultimate right of way for Bishops Lane should be dedicated to Baltimore County at no cost at this time.
- 3) The proposed one-way traffic pattern should be eliminated. This requires the use of two parking spaces. (See attached sketch).

*Robert J. Farrell*  
Robert J. Farrell  
Traffic Engineer II

cc: Zoning

BALTIMORE COUNTY, MARYLAND  
Inter-Office Correspondence

TO: Zoning Commissioner, Office of Planning & Zoning  
FROM: Robert C. Merrey, Jr.  
DATE: January 23, 1992  
SUBJECT: Zoning Variance Request, ZAC #237

Property Owners: Thomas B. McGee  
Location: S/S Frederick Road, 125.52' E of centerline  
Bishops Lane (#3 Bishops Lane, #583 Frederick Road)  
Existing Zoning: B.L.-C.C.C./O-1/R.O.  
Area: .6867 acre  
District: 1st Election District  
1st Councilmanic District

This office recommends that the variance for the use of crusher run in lieu of paving not be approved. The area in question is connected to the main restaurant parking lot by a "pedestrian gate" according to the site drawing but the "gate" is actually a newly constructed vehicle ramp. This causes concern about the volume of traffic that may traverse the unpaved area since the ramp would allow it to be used for primary ingress/egress of the restaurant traffic. The area should have a more durable surface to prevent dust and mud problems from developing for the residences directly adjacent to the area.

cc: Zoning Variance File  
MCGEE/TXTMOB

RECEIVED  
JAN 29 1992  
ZONING OFFICE

Baltimore County Government  
Fire Department

701 East Joppa Road, Suite 901  
Towson, MD 21204-5500

(410) 887-4500

JANUARY 6, 1992

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: THOMAS P. MCGEE

Location: #3 BISHOPS LANE, #583 FREDERICK ROAD

Item No.: 237 Zoning Agenda: DECEMBER 17, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: Noted and Approved  
Special Inspection Division Fire Prevention Bureau

JP/REK

BALTIMORE COUNTY  
ECONOMIC DEVELOPMENT COMMISSION

Memorandum

TO: Julie Winiaraki  
Office of Zoning Administration and  
Development Management  
FROM: A. J. Haley, Acting Director  
Economic Development Commission  
DATE: December 20, 1991  
RE: Zoning Advisory Comments for Meeting of December 17, 1991

This office has no comment for items 92-1, 233, 237, 245, 246, 247, 248, 249, 250, 251, 252 or 253.

RECEIVED  
DEC 26 1991  
ZONING OFFICE

Robert Bowling

BALTIMORE COUNTY, MARYLAND  
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee Date: January 9, 1992

FROM: Robert W. Bowling, P.E., Chief  
Developers Engineering Division

SUBJECT: ITEM #237 -- Revised Comments  
Zoning Advisory Committee Meeting of December 17, 1991

OWNER: Toll House Limited Partnership  
Mr. Thomas McGee

LOCATION: #3 Bishops Lane & #583 Frederick Road

DISTRICT: 1C1

The Zoning Plan for the subject item has been reviewed by the  
Developers Engineering Division and we comment as follows:

Bishops Lane is proposed 50' right-of-way. Additional right-of-way  
widening to meet this width is requested.

RWB:DKH:pab

cc: File

ITEM237/TXTHM04

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

March 27, 1992

NOTICE OF POSTPONEMENT

CASE NUMBER: 92-338-SPHA  
PETITIONER(S): THOMAS B. MCGEE  
LOCATION: 583 FREDERICK ROAD

THE ABOVE MATTER, PREVIOUSLY ASSIGNED TO HEARD ON MONDAY, APRIL 13,  
1992, HAS BEEN POSTPONED AT THE REQUEST OF FRANCIS X. BORGERDING, JR.,  
ATTORNEY FOR PETITIONERS.

NOTIFICATION OF THE NEW HEARING DATE WILL BE FORWARDED SHORTLY.

Arnold Jablon  
Director

cc: Francis X. Borgerding, Jr.

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

APRIL 6, 1992

NOTICE OF REASSIGNMENT

CASE NUMBER(S): 92-338-SPHA  
LEGAL OWNER: THOMAS MCGEE  
LOCATION: 583 FREDERICK ROAD (3 BISHOPS LANE)

HEARING OF THE ABOVE MATTER WILL TAKE PLACE AS FOLLOWS:

FRIDAY, MAY 8, 1992 at 10:00 a.m.

IN THE BALTIMORE COUNTY ROOM 106, COUNTY OFFICE BUILDING, 111 WEST  
CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204.

Lawrence E. Schmidt  
Lawrence E. Schmidt

ZONING COMMISSIONER  
BALTIMORE COUNTY

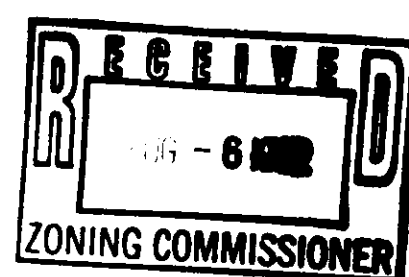
cc: Thomas McGee\*  
Francis X. Borgerding, Jr., Esq.

\*ENCLOSED PLEASE FIND A DATE STICKER  
TO BE PLACED ON THE ZONING SIGN.

Paul Lee, P.E.

Paul Lee Engineering Inc.  
304 W. Pennsylvania Ave.  
Towson, Maryland 21204  
410 827-5344

August 6, 1992



Mr. Timothy Kotroco  
Deputy Zoning Commissioner  
Baltimore County  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: #583 Frederick Road  
Case #92338SPHA

Dear Mr. Kotroco:

Please find enclosed herewith 2 copies of the Site Plan for the  
Zoning Petition relative to the above mentioned property. Please  
note that the restrictions of the case have been added, and, in  
addition, the landscaping as shown was approved by the adjoining  
property owners at the hearing.

We have filed for a Fence and Grading Permit on this date -  
Permit #BL39528.

Trusting you will find the enclosed in order, I am,

Yours sincerely,

Paul Lee

Pl:tl  
Enclosures  
cc: Mr. Thomas McGee

Engineers - Surveyors - Site Planners

DINENNA AND BRESCHI  
ATTORNEYS AT LAW

S. ERIC DINENNA, P.A.  
GEORGE A. BRESCHI, P.A.

FRANCIS X. BORGERDING, JR.:  
[ALSO MEMBER OF DISTRICT OF  
COLUMBIA BAR]

SUITE 600  
MERCANTILE TOWSON BUILDING  
409 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204

(301) 296-6820  
TELEFAX (301) 296-6884

March 16, 1992

Baltimore County  
Office of Zoning Administration  
and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

ATTN: Gwen

RE: Case No.: 92-338-SPHA  
Petitioner: Thomas McGee  
Hearing: Monday, April 13, 1992  
at 9:00 A.M.

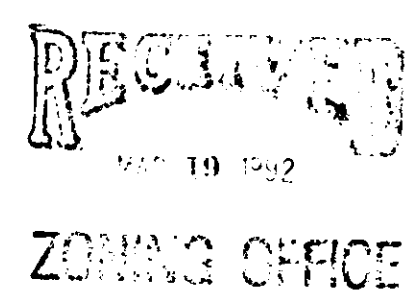
Dear Gwen:

Pursuant to our recent telephone conversation, I am requesting a  
postponement of the above-referenced hearing date. As I stated in our  
telephone conversation, the reason for this request for postponement is  
that I am scheduled to be in depositions the entire day of April 13,  
1992 in reference to a case pending before the Circuit Court for  
Baltimore County. Thank you very much for your cooperation in this  
matter.

Very truly yours,

Francis X. Borgerding, Jr.

FXBJr:bjk



DINENNA AND BRESCHI  
ATTORNEYS AT LAW

S. ERIC DINENNA, P.A.  
GEORGE A. BRESCHI, P.A.

FRANCIS X. BORGERDING, JR.:  
[ALSO MEMBER OF DISTRICT OF  
COLUMBIA BAR]

SUITE 600  
MERCANTILE TOWSON BUILDING  
409 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204

(301) 296-6820  
TELEFAX (301) 296-6884

April 28, 1992

Office of Zoning Commissioner  
for Baltimore County  
Court House  
Towson, Maryland 21204

RE: Case No.: 92-338-SPHA  
Petitioner: Thomas P. McGee  
Location: 583 Frederick Road  
Hearing: Friday, May 8, 1992 at  
10:00 A.M.

Dear Mr. Commissioner:

Enclosed please find an amended site plan prepared by Paul Lee for  
filing in regard to the above-referenced case. The amended site plan  
is for a Class A office building, variance and special hearing to amend  
site plan for case number 87-240-SPHA.

Thank you very much for your cooperation in this matter.

Very truly yours,

Francis X. Borgerding, Jr.

FXBJr:bjk  
Enclosure  
cc: Mr. Thomas P. McGee



LAWRENCE J. HAYWARD  
ATTORNEY AT LAW  
SUITE 410  
1 W. PENNSYLVANIA AVENUE  
TOWSON, MARYLAND 21204-5030  
(410) 494-3752

May 8, 1992

Mr. Timothy M. Kotroco  
Deputy Zoning Commissioner  
Zoning Commissioner's Office  
Baltimore County  
311 Court House  
Towson, MD 21204

Dear Mr. Kotroco:

Case No. 92-338  
Special Hearing to Amend Site Plan  
3 Bishops Lane and 538 Frederick Road  
Baltimore County, Maryland

In accordance with the subject hearing held this date, my clients,  
Clarence G. Hoerl, 4 Bishops Lane, and Jean A. and Paul H. Reincke, 9  
Bishops Lane, request that the following conditions be made part of  
the zoning order if petitioner's request is approved.

1. Parking on the premises of 3 Bishops Lane shall be limited to  
business hours, between 6:30 a.m. to 8 p.m., and confined to  
automobiles only belonging to employees of 538 Frederick Road.
2. Access to Bishops Lane from the parking area shall remain  
closed, and for as long as the parking area at 3 Bishops Lane  
exists, site plan shall not be amended to re-open access to  
Bishops Lane.
3. Both the 42" high chain-link fence and the 6' high stockade  
fence shall be maintained and kept in good repair.
4. Planting area shall be maintained in accordance with the site  
plan. Area shall be kept free of weeds, much replenished,  
and any dead plants replaced.
5. Property located at 3 Bishops Lane shall be kept in a clean  
and orderly condition, free of all debris. Storage of all  
automobiles, motorcycles, and trucks shall be prohibited.



John X. Bergholm  
Francis X. Bergholm, Jr.  
246-6920

Paula Engle  
Fyralis X. Gensling Jr.  
Norman B. Miller  
Nora Lawrence  
304 of Penn Ave  
408 Washington Ave Suite 600  
3221 Greenport Ct Elm Creek  
Catonville 2000

NAME	ADDRESS
LAWRENCE J. HAYWARD Esq. Manufacturing.	1 LINDSEY Pk. Ave. Toronto, Ont. 2704 Suite 410 M4M 3T6
Charence Heert Paul Heinicke	4 Bishop's Lane 9 Bishop's Lane
GHULAM SARWAR	One - Bishop's Lane 21228

